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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,920	12/13/2000	Felix Henry	1807.1457	5186
5514	7590	03/11/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			WU, JINGGE	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/734,920	HENRY, FELIX	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jingge Wu	2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-6 and 14-20 is/are allowed.
- 6) ☐ Claim(s) 7-13 and 21-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on January 21, 2005 has been entered.

Applicants' amendment, filed on January 21, 2005 has been entered and made of record. An action on the RCE follows.

Applicants' amendment of claims 1, 7, 14, and 21 has required new grounds of rejection. New grounds rejection are therefore presented in the Office Action.

Applicant's arguments with respect to claims 1, 7, 14 and 21 have been fully considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-13, 21-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6535644 to Kurapati (reference of record) in view of US 6711299 to Chao et al. (reference of record) and /or US 6747762 to Josephsen et al.

As to claim 7, Kurapati discloses a method dividing a digital image representing physical quantities, comprising the steps of:

determining at least on area of interest (e.g. fig. 3A, 310) in the signal (col. 4 lines 1-11);

determining an initial partitioning of the signal, including the partitioning area (figs. 3A and 3B, note that the initial partitions includes 310, 322, 341, 323, 321, 324, etc.); and

modifying the partitioning of the signal according to the at least one area interest and a predetermined criterion (figs. 3A-3F, note that modifying the partitioning according to 310 and other areas showed clearly in figs. 3A-3C and the partitioning is also according to the criterion of "representing the resolution of the rendering in each region... smaller the cell the finer the resolution." (col. 4 lines 1-46).

Kuralpati does not explicitly mention using determining the area of interest through an intervention by a user.

Chao, in an analogous environment, discloses determining the area of interest intervened by a user (col. 27 line 47-col. 28 line 4).

Also, Josephsen, in an analogous environment, discloses determining the area of interest intervened by a user (fig. 1 and 2, col. 2 lines 41-63).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the scheme of Chao or Josephsen in the method of

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Kurapati in order to increase the compression speed and flexibility (Chao, col. 1 lines 35-col. 2 line 39, and Josephsen, col. 2 lines 30-52).

As to claim 8, Kurapati further discloses the partitioning of the signal is modified so that the at least one area of interest is not shared between two partitioning areas (figs. 3A-3C, col. 4 lines 1-46, note that none of the interest of area 310, 321A-324A, etc, is overlapped (shared)).

As to claim 9, Kurapati further discloses the partitioning of the signal is modified so that the partition areas are the smallest possible (finest resolution of image) in order to satisfy the predetermined criterion (fig. 3A-3F, col. 4 line 1-col. 5 line 25).

As to claim 10, Kurapati further discloses partitioning the signal to blocks and the modification parameter is height and width of the block, which selected from a predetermined set partitions (fig. 3b-3f, col. 4 lines 12-col. 5 line 25).

As to claim 12, the elements are discussed in claim 9.

As to claims 13, 21-24, 26, the claims are corresponding device claims to claims 7-10 and 12. The discussions are addressed with regard to the claims 7-10 and 12.

As to claim 27, Kurapati further discloses microprocessor, ROM and RAM (fig. 7 and 9, col.7-col. 9, note that those elements are inherent because Kurapati has to have a microprocessor to execute the algorithm of fig. 7 and has to store the program in ROM and modified data in RAM in order to display, encode, and decode.).

As to claims 11, 22, 25, 32-33 Kurapati does not explicitly mention the limitations of translating the partitioning, emphasizing the distortion, avoiding the interest area between the partition area and portable storage such as floppy disk and CD-ROM.

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Examiner takes Official Notice that those features are notoriously well known in the art.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the features in the device of Kurapati in order to efficiently and accurately divide, encode, and decode the image.

As to claims 28-31, the discussion are addressed with regard to claim 7, and 21 (inherency).

***Allowable Subject Matter***

Claims 1 and 14 are allowed. Claims 2-6, 15-20 depend from claims 1 and 14 respectively, are therefore allowed.

Independent claims 28/14 or 15, 29/1 or 2, 30/14 or 15, 31/1 or 2, 32/14 or 15 and 33/14 or 15 would be allowed if Applicant changes the dependency of the claims.

***Contact Information***

Any inquiry concerning this communication or earlier communications should be directed to Jingge Wu whose telephone number is (703) 308-9588. He can normally be reached Monday through Thursday from 8:00 am to 5:30 pm. The examiner can be also reached on second alternate Fridays.

Any inquiry of a general nature or relating to the status of this application should be directed to TC customer service whose telephone number is (703) 306-0377.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Amelia Au, can be reached at (703) 308-6604.

The Working Group Fax number is (703) 872-9314.

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**Jingge Wu**

**Primary Patent Examiner**

A large, stylized handwritten signature in black ink, likely belonging to Jingge Wu, is written over the text "Primary Patent Examiner". The signature consists of several sweeping, interconnected strokes, with a prominent loop at the end.